

HARYANA GOVERNMENT HORTICULTURE AND MARKETING DEPARTMENT

Notification

The 10th March, 2000

9% upto 31.7.82
12.35% upto 31.5.87
12.50% upto 31.3.91
15% upto above up to date

No.1047-Agri.s(2)-2000/4444 -In Exercise of the powers conferred by sub-section (1) and clause (vi) of sub-section (2) of section 43 read with section 18 of the Punjab Agricultural produce marketing 12.35 Act, 1961 (Act 23 of 1961), and all other powers enabling him in this behalf, the governor of Haryana hereby makes the following rules regulating the sale and transfer of immovable property of the Haryana State Agricultural marketing Board and Market Committee, namely:-

Short Title

Commencement

and application 1. (1) These rules may be called the Haryana State Agricultural Marketing Board (Sale of Immovable property) Rules, 2000.

(2) They shall come into force on the date of their publication in the official Gazette.

(3) They shall apply to the Haryana State Agricultural Marketing Board and all the Market Committee in the State of Haryana.

Definition.

2 (1) In these rules the context otherwise requires:-

- (a) "Act" means the Punjab Agricultural Produce Markets Act 1961 (Act 23 of 1961);
- (b) "Category (ii) licensee" means a person to whom a license is granted for doing the business of kacha arhtia under section 10 of the Act.
- (c) "Immovable property" means shop plot, booth plot or other commercial sites owned by the Board or a Market Committee.
- (d) "open auction means auction of immovable property without any reservation for any category or class of person.

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- (e) "reserve price" means reserve price determined by the chief Administrator of the board in respect of specific immovable property developed and owned by the board or market committee.
- (f) "From" means a from appended to these rules :
- (g) "section" means section of the Act.
- (2) The words and expressions used in these rules but not defined shall have the same meaning as assigned to them respectively in the Punjab Agricultural Produce Act, 1961.

* "(2A) Subject to availability, a plot not exceeding one hundred square yards, at a token price of one hundred rupees per square yard, may be allotted, for setting up a free charitable hospital by a registered society/trust/association, in a grain market".

Disposal of
immovable property
Sections
18, 43 (1) (2) (vi)

3. (1) All immovable property in the Market developed by the board or market committees shall be disposed of by way of allotment /transfer /open auction in accordance with the provision of these rules .The shop plots will be allotted to the old licensees of category (ii) of old market which is to be de-notified, resulting in displacement of such licensed dealers of category (ii) on free hold basis for conducting the business of sale and purchase of agricultural produce in the new markets on the following terms and conditions namely,
- (i) In the markets where some auctions have already been held, the allotment shall be made on the basis of the average price of the last auction.

* Inserted vide notification No. 906-Agri.S(2)-2001/12972 dated 9th July, 2001.

- (ii) In the markets where no auction has so far been held the allotment price shall be fixed at thirty five percent above the reserve price. the reserve price shall be worked out as per the formula approved by the board vide its resolution dated the first June ,1987 or any other formula to be approved by the Board from time.
- (iii) Only those category (ii) licensees shall be eligible for allotment of plots who had valid licensee of two years on the data of first auction in the case of mandis where some auction have already been held .In the case of already developed mandis where no auction have so far been held the licensee should have valid as on 1st January ,2000 .In the case of mandis to be developed in future ,the license of category (ii) on the data of issuance of notification under section 4 of the land acquisition Act,1894 (Act of 1894) or the date of transfer of land to the market committee if the land is obtained otherwise ,as the case may be;
- (iv) Such licensee must have paid market fee of least Rs. 5000/- annually for the last two years.
Provide that in the case of a category (ii) license who does not pay market fee himself ,his annual turnover during the last two years should be at least rupees two lacs fifty thousand.
- (v) The license of such category (ii) licensee should not have been revoked for a period of two months at a time for violation of any of the provision of the act or any rules made there under ,or non payment of market fees etc:-
- (vi) The category (ii) licenses must have an independent premises ,either own or rented in the old mandis to be de-notified .In same premises the oldest firm or the one witch is agreed upon in writing by all the firms occupying the same premises shall be eligible;

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- (vii) If the eligible licensee of category (ii) had already purchased a plot in open auction either in his own name or in the name of the licensee firm, he shall not be allotted plot on preferential basis as above;
- (viii) An allottee of a shop plot under these rules shall not be permitted to use the premises for any purpose other than the marketing of notified agricultural produce. In case of misuse of his premises, the allotment shall be cancelled and 10% of the value of the plot, interest and other dues payable, shall be forfeited and such an allottee shall be debarred from allotment of any other site under these rules;
- (ix) Transfer of title of shop plot, so allotted shall not be permitted before a period of five years from the date of allotment of such plot except under special circumstances and with the prior approval of the Chief Administrator of the board and on payment of such fee as may be prescribed by the board from time to time.
- (x) The allottee shall construct the building as per the approved design within a period of two years from the date of offer of possession of the plot, which may be extended to a period of three years on payment of extension fee @ Rs. 10,000/-, Rs. 15,000/- and Rs. 20,000/- for the first, second and third years of extension, respectively. In the event of such resumption, the Market Committee shall deduct 10% of the price of the plot and 15% interest on balance overdue installment and interest.
- (xi) The allottee of shop/booth plot, whether by preferential allotment or through open auction, shall also pay the additional expenses such as enhanced land compensation within sixty days from the date of such demand by the market Committee. In case of default, penal interest @ twenty-one percent per annum will be charged. The recovery of enhanced compensation shall be as per formula approved by the Board.

- (xii) In case the number of available shop plot is less than the number of eligible applicants, the allotment shall be made to the eligible licensees in their order of category (ii). The allotment of serial number of plot will be decided through draw of lots amongst the eligible allottees.

(2) All booths, the balance shop plots and any other commercial site shall be disposed of through open auction. However, a site (including shop plot, booth plot or any other plot), subject to availability may be allotted at thirty five percent above the reserve price to following:-

- (i) Post office, telephone exchange, water works;
- (ii) Public sector under taking, government agencies and cooperative marketing societies of Haryana State Cooperative supply and Marketing Federation Limited, dealing in agricultural produce or inputs;
- (iii) Nationalized/ Cooperative banks; and
- iv) Dharmashala / Communities centre in an area upto one thousand Sq. mtr to be setup by the registered association of the traders residing in the Mandi "and".

(3) Where no de-notification of the old mandi is involved, all the shop plots shall be sold through open auction, except allotment to identified public utilities as per sub- rule (2) of this rule.

Application for Allotment Section 18 (4) (I) In case of sale by allotment, the intending eligible licensee of category (ii) Shall make an application in form A to the Executive Officer-Cum-Secretary of the concerned Market Committee within Thirty days of the notice of inviting such applications.

- (2) The eligibility of licensees of category(ii) for the allotment of shop plot shall be determined by the Allotment Committee comprising the concerned Executive Officer -Cum-Secretary and the District Marketing Enforcement Officer under the Chairmanship of the Chairman / Administrator of the Market Committee.

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- (3) After scrutiny of the application received under sub-rule (1) of this rule by the allotment Committee, the eligible applicant shall be issued a letter of intent requiring him to pay twenty-five percent of the allotment price within one month in the form of a demand draft in favour of the Market Committee concerned.
- (4) After the price referred in Sub-rule (3) of this rule has been paid, the Executive Officer-Cum-Secretary, Market Committee shall submit the case to the Chief Administrator of the Board for seeking approval under section 18 supported with a resolution of the Market Committee. After the approval is accorded by the Chief Administrator of the Board, the Executive Officer -cum-Secretary, Market Committee will issue the allotment letter to the eligible application/licensee of category(ii).
- (5) The balance seventy-five percent of the price of plot may either be deposited without interest within thirty days from the date of issue of allotment letter or in six half yearly installments, with fifteen percent interest, or at such rate of interest as may be specified by the Board from time to time. The first such installment shall fall due after six months from the date of allotment letter.
- (6) In case of failure of the allottee to deposit the installment in time penal interest at the rate of four percent per annum to be compounded half yearly shall be charged in addition to the normal interest. In case of default of two successive installments, the plot and the building, if constructed, shall be resumed by the Market Committee after giving an opportunity of being heard to the concerned allottee.
- (7) A part from the resumption referred to in sub-rule(6) of this rule, an amount equivalent to ten percent of the total cost of the plot shall be forfeited, along with interest and other dues, if any, payable by the allottee from the amount already deposited by him.

Delivery of
possession Section
18 and 13(1)(2)(vi)

(5) The possession of the plot shall be offered to the Allottee by the Executive Officer -cum-Secretary, Market Committee within thirty days from the date of issue of allotment letter.

Conveyance deed
the case of sale
allotment or by
open auction.
Section 18 and
13(1)(2)(vi)

(6) In case of sale of plot by allotment or by open auction as the case may be, the allottee shall execute the deed of conveyance, in the form prescribed by the Board, after marking payment of full price of the plot.

Sale by open auction
Section 18 and
43(1)(2)(vi)

7. (1) Any person, Except minor, may participate in open auction In case he desires to bid on behalf of any other person, he will have section 18 and to produce a valid power of attorney.

(2) The intending bidders shall be required to deposit earnest money of Rs. 5000/- in respect of booth and Rs. 10,000/- for shop plot before participating in the auction on the spot with the Market Committee concerned. Anyone intending to bid for more than one category will be required to deposit the earnest money separately for each category before the auction.

(3) The successful bidder shall pay twenty five percent, of the bid cost on the spot. The remaining Seventy five percent bid cost can either be paid in lump-sum without interest with in thirty days of issue of allotment letter or in installment as provided in sub rule (5) of rule (4).

(4) If the successful bidder fails to deposit twenty five percent of the bid cost, his earnest money shall be forfeited.

(5) The Auction Committee shall have the right to reject any bid on the spot or withdraw any plot from auction.

1/2 Registration and
stamp duty Section
18 and 43 (1)(2)(vi)

8. The allottee shall bear and pay all expenses in respect of execution and registration of execution and registration of the deed of conveyance including the stamp duty and registration fee payable thereof.

Other terms and conditions

9) The order terms and conditions governing allotment, transfer and auction of all condition types of immovable properties shall be as determined by the Board from time to time.

Fragmentation
Section 18 and
43(1)(2)(vi)

10) No fragmentation of any plot, or building constructed thereon, shall be permitted.

Appeal. Sections 18
and 43(1)(2)(vi)

(11) (i) An Appeal against an order of the Market Committee or auction committee of the Market Committee under these rules shall be preferred to the Chief Administrator of the Board, either by the appellant or through his agent, within thirty days of the order appealed against.

(2) The memorandum of appeal shall be signed by the appellant or his agent and shall be affixed with a court fee of rupees fifty.

(3) The order passed by the Chief Administrator of the Board or by the officer of the Board authorized by him in this behalf, shall be final and binding.

Repeal and
savings

(12) The Haryana State Agricultural Marketing Board (Sale of immovable Property) savings Rules, 1997, are hereby repealed provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules



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